

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MELVIN BROWN,

Plaintiff,

ORDER

05-CV-6250L

v.

VALEO ELECTRICAL SYSTEMS, INC.,

Defendant.

On May 31, 2005, the Court issued an Order to Show Cause (Dkt. #4) directing that the parties submit evidence in admissible form concerning defendant Valeo's principal place of business.

Valeo responded by filing the affidavit of its Executive Vice President, Walter Kneuer (Dkt. #6). The affidavit sets forth sufficient evidence that Valeo's principal place of business lies in Michigan, not New York.

Plaintiff did not respond to the Court's Order and did not offer any proof to support the allegation in his complaint that Valeo's principal place of business is New York. Nor has plaintiff filed a motion to remand the case back to state court.

The Court finds, therefore, that there is diversity of citizenship between plaintiff, a New York resident, and defendant Valeo, a corporate resident of Michigan and Delaware. Accordingly, the case was properly removed from New York State Court.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 28, 2005.